

REMARKS

The Pending Claims

Currently pending are independent claims 1, 16, 26, and 31, as well as dependent claims 2–10, 12–13, 17–25, and 27–30. Claims 1–10, 12–13, and 31 are directed to a device for evaluating the weight exerted by a person sitting on a vehicle seat while claims 16–30 are directed towards methods for detecting the weight or mass exerted by the occupant of a vehicle seat. Reconsideration of the pending claims is respectfully requested.

Amendments to the Drawings

Per the request set forth in the Office Action, submitted herewith as Attachment A to this Response are Replacement Sheets containing FIGS. 1 and 6. To make FIGS. 1 and 6 more clear and readable, the schematic diagrams shown are amended to include descriptive notations corresponding to the parts of the preferred embodiments described in the specification. The Examiner is kindly requested to indicate acceptance of amended FIGS. 1 and 6 in the next communication.

Amendments to the Claims

The claims have been amended to point out more particularly and claim more distinctly the subject matter of the invention. Specifically, claim 1 has been amended to incorporate the features previously recited in claims 14 and 15 that the evaluation circuit comprises a long term recording mode and furthermore records and correlates weighing signals, output signals and/or other signals with time signals. Claim 16 has similarly been amended to incorporate the features previously recited in claims 14 and 15 and to clarify that, when the difference D lies outside the predetermined range, the value stored in the difference –value memory is kept constant. Description of the long term recording mode is provided, for example, at page 21 paragraph 5 of the originally filed specification. Claims 14 and 15 have accordingly been canceled.

Claim 26 has been amended to place that claim in independent form. Newly presented is claim 31 which combines the features of independent claim 1 and dependent claim 11. Lastly, claims 5, 12, 13, and 14 have been amended to remove vague and indefinite language. No new subject matter is added by way of these amendments.

Summary of the Office Action

The Office Action objected to the drawings for not being labeled with a legend. The Office Action rejected claims 5 and 12-15 under 35 U.S.C. § 112 as vague and indefinite. The Office Action further rejected claims 1-10, 12-25, and 27-29 under 35 U.S.C. § 103 as obvious over J.P. 10-297334 (Toshiaki) in view of U.S. Patent 6,725,165 (Knox). Claim 13 was rejected as obvious over the combination of Toshiaki and Knox and in further view of U.S. Patent 6,070,113 (White). Applicants graciously acknowledge the indication in the Office Action that claims 11, 26, and 30, though objected to, would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Discussion of the Drawing Objections

Applicants respectfully request that, in light of the attached Replacement Sheets containing FIGS. 1 and 6 amended as described above, the objection to the drawings be withdrawn.

Discussion of the Indefiniteness Rejections

Pending claim 5 is amended to replace the term "analogous" with "corresponding." Pending claims 5, 12, and 13 have been amended to remove the objectionable term "can be." Claims 14 and 15 have been canceled. Applicants therefore respectfully submit that the indefiniteness rejections of these claims have been overcome.

Discussion of the Prior Art Rejections

To reject a claim as obvious, the prior art reference or references as combined must teach or suggest every element of the rejected claim. See, e.g., M.P.E.P § 2143. Furthermore, where references are combined to provide an obviousness rejection, there must be a suggestion or motivation to form the combination. Applicants respectfully submit that, in view of the foregoing, amended claims 1 and 16 are not obvious over the combination of Toshiaki and Knox.

Claims 1 and 16 as amended include the features previously presented in claims 14 and 15 about how, in performing a long term recording mode, the evaluation unit records time signals into a data memory and correlates them to the weighing signals, output signals and other signals recorded. The Office Action states that such features are inherent in Toshiaki. Applicants respectfully contend that Toshiaki provides no teaching or suggestion about the manner of conducting a long term recording mode, about the manner of recording of time, or about the manner in which time signals can be correlated. Since Toshiaki does not

disclose how or even if a long term time recording mode is possible or if time is recorded and correlated, it cannot render claims 1 and 16 unpatentable.

Likewise, while Knox discusses cycles and counters, there is no specific teaching or suggestion about recording time signals into an associated area of data memory or about correlating the time signals. Since Knox also fails to teach or suggest the recited claim features, the combination of Toshiaki and Knox cannot render claims 1 and 30 obvious.

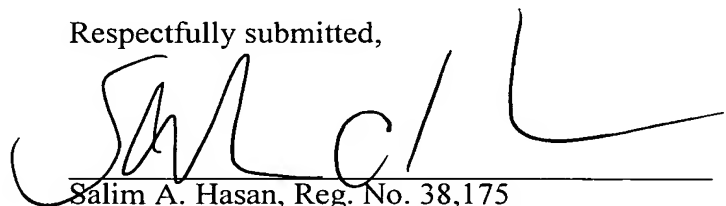
Claim 26, as amended, recites the features previously presented in independent claim 16 from which it depends. New claim 31 is a combination of the features previously set forth in independent claim 1 and dependent claim 11. Since the Office Action indicated that claims 11 and 26 included patentable subject matter, amended claim 26 and new claim 31 should be allowed.

If a claim depends upon another claim that is not rendered obvious by a combination of prior art references, that dependent claim can likewise not be rendered obvious. See, e.g., *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Since claims 2-10, 12-13, 17-25, and 27-30 all depended from allowable claims, these dependent claims should be allowable as well.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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